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EXAMINER 2732	
ART UNIT	04/15/98 PAPER NUMBER
9	

DATE MAILED:

Please find the attached communication from the EXAMINER in charge of this application.

Commissioner of Patents and Trademarks

Seema S. Rao
(703)-308-5463

Office Action Summary

Application No.
08/486,000

Applicant(s)
J. CARL COOPER

Examiner
Seema Rao

Group Art Unit
2732



☒ Responsive to communication(s) filed on Feb 2, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 123). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-17, 19-31, and 33-66 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-17, 19-31, and 33-66 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 45 is objected to because of the following informalities:

The statement, in lines 3 and 4, "selected portions are from the same program from different programs" must be corrected to --selected portions are from different programs-- if that is the intent. Appropriate correction is required.

2. Claims 29-31 and 59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 29, the phrase, "an artifact modifier circuit", as in lines 4-5, is confusing. It is not clear as this item is referring to the artifact producing circuit, as recited in lines 2-4 or to a different item. In claim 29, the statement, "means to pass programs through artifact producing circuit after the artifact producing circuit, is confusing.

In claim 59, the phrase, "said priorities", lacks antecedent basis.

3. Claims 1-6, 8-12, 14-17, 19-25, 27-29, 31, 33-40, 42-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Ryan (U.S. 5,524,051).

The reference, Ryan, discloses an access system for multiple programs in a compressed form, as in claims 1, 10, 25, 28, 33, 37, 40, 43, 48, and 56, in Fig.1. A

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recording medium (storage media), as in claims 1, 10, 25, 28, 33, 37, 40, 43, 48, and 56, is disclosed in Fig. 1, element 28 and in column 2, lines 31 and 32. Selecting a particular program, as in claims 1, 10, 25, 37, 40, 43, 48, and 56, is disclosed in column 4, lines 36-56. Decompressing the selected program, as in claims 1, 10, 25, 37, and 48, is disclosed in Fig. 1, represented by 39. Storing multiple programs transmitted on a schedule in a compressed form, as in claims 2, 3, and 56, is disclosed in Fig. 1, element 28 prior to decompressor and in column 5, lines 55-57.

Storing the programs at the user location, as in claims 4 and 56, is disclosed in Fig. 1. A means for accessing program information, as in claims 4, 27, and 28, reads on the user interface and microcontroller (column 2, lines 32-36). A data manager, as in claims 5, 8, 9, 27, and 38, reads on the conditional access circuitry, as shown in The Fig. 1, element 16. The reference discloses transmitting program identification data, accessing, and processing the program identification data, as in claims 6, 26, and 39, in column 4, lines 27-56. The identification reads on the "tagged " designation, as in column 3, line 27. The data manager, as in claim 39, reads on the conditional access circuitry, as shown in The Fig. 1, element 16.

An optical disk for the program storage, as in claim 11, is disclosed in column 3, lines 55-59. A computer memory, as in claim 12, is disclosed in column 3, lines 52 and 53. The access system having an ability to reproduce an accessible program with different run time than the intended run time, as in claims 21-24, is disclosed in column 5, lines 31-43. The interruption, as in claim 22, anticipates the three commands,

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"BACK", "STOP", and "GO", as disclosed in column 4, lines 53-56. The reference discloses the processing of the program identification data, as in claim 27, in column 4, lines 27-56. The reference discloses an access system having a storage capability of overwriting previously stored material, as in claims 14 and 19, in Fig. 1, represented by memory 28 and also the prior art disclosed in column 1, lines 33-50.

The program information relative to the multiple channels of information and addition of other services, as in claims 35 and 36, are disclosed in column 4, lines 27-56. The number of sets of multiplicity programs, as in claim 42, reads on different categorized information, as disclosed in column 4, lines 29-32. The recorder simultaneously recording the selected portions of the transmitted programs as the selected portion is being selectively retrieved by the user control, as in claims 28, 43, and 53, anticipates the receiver playing music and RAM temporarily storing the music, as in column 8, lines 40-46. The reference discloses an access system with a decompression decoder and an artifact modifier circuit, as in claim 29, in Fig. 1. The artifact modifier circuit, according to claim 31, a frequency converter, is disclosed in column 6, lines 1-9. It anticipates the microcontroller having the frequency converter feature.

Selected portions from the same program and from different program, as in claims 44 and 45, anticipates the programs being recorded from different programs, as disclosed in column 2, lines 43-45. The reference discloses a receiver being a part of the radio receiver which can get the transmission on real time or the information can be

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recorded for later playback. Any interruption, as in claim 46, anticipates the three commands, "BACK", "STOP", and "GO", as disclosed in column 4, lines 53-56. The compensation of the time in different ways, as in claims 46 and 54, and frequency shift, as in claims 47 and 55, are disclosed in column 5, lines 31-43. The frequency shift anticipates the pitch change, as disclosed in column 5, line 39.

Upcoming events, as in claim 48, reads on any of the categories, as disclosed in column 4, lines 40-53. Controlling the selective programs, to be automatically recorded, based on the data in the data manager, as in claim 50, reads on the conditional access circuit data, as in column 3, lines 45-53 and in column 8, lines 38-40.

The user do not have any control over the transmitted programs, as in claim 51, and the programs being continues, as in claim 52, are inherent to the system disclosed by the reference and is disclosed in column 3, lines 57-59. Different ways of personalizing the data to be recorded, as in claims 15-17, 57-62, and 64-66, are disclosed in column 3, lines 1-3 and in column 25-40. The recording of data over the recorded programs, as in claims 14 and 63, anticipates the RAM in the memory of the receiver which is used for the temporary storage of the data. Additionally, recording over the previously recorded programs is inherent to the system disclosed by the reference which has a storage capacity enough for few hours (column 3, lines 53-59).

4. Claims 7 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (U.S. 5,524,051).

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The reference, Ryan, discloses all of the limitations of claims 7 and 26, but does not disclose delaying the programs to allow processing of the program identification data. The reference, however discloses decryption of the data prior to the program storage, as shown in the Fig. 1, represented by elements 14-28. From the Fig. It is obvious that the program data is delayed until the decryption of the program related data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the decryption of the signal, as disclosed by Ryan, by delaying the program data allowing the processing of the program identification data in order to make the system reliable and secured.

5. Claims 13, 30, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (U.S. 5,524,051) applied to claims 10 and 29 above, and further in view of Barrett (U.S. 5,287,420)

The reference, Ryan, discloses all of the limitations of claims 13, 30, and 41, but does not disclose the program data as a compressed MPEG data, a video television compression technique. The reference, Barrett, discloses a video broadcasting system compressing video in to MPEG form in column 4, lines 41-47. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the compressed signal of the reference Ryan, to be in MPEG form, as disclosed by Barrett, in order to use the system for television services and achieve better decompression.

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Remarks

Arguments regarding the rejection of claims 1-17, 19-31, and 33-41 are moot in view of new grounds of rejection. Claims 42-66 are also rejected based on the prior art Ryan.

6. Any inquiry of a general nature relating to the status of this application should be directed to the Group receptionist whose telephone number is **(703) 305-3900**.

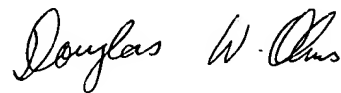
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seema S. Rao whose telephone number is (703) 308-5463.

^{SSR}
Seema S. Rao

April 9, 1998

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7. Effective November 16, 1997, the Examiner handling this Application will be assigned to a new Art Unit as a result of the consolidation into Technology Center 270. See the forth coming Official Gazette notice dated November 11, 1997. For any written or facsimile communication submitted ON OR AFTER November 16, 1997, this Examiner, who was assigned to Art Unit 2603, will be assigned to Art Unit 2732. Please include the new Art Unit in the caption or heading of any communication submitted after the November 16, 1997 date. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the office.



**DOUGLAS W. OLMS
SUPERVISORY PATENT EXAMINER
GROUP 2700**